

Remarks/Arguments

Claims 1-17 are currently pending in this case, Claims 1, 3-9, 11-13 and 16-17 having been amended by this paper.

In view of the foregoing amendments and the following remarks, Applicants request favorable reconsideration and allowance of the application.

Applicants file a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) concurrently herewith.

Applicants have amended the title as indicated above to clearly indicate the invention to which the claims are directed. Further, Applicants have amended the specification to update a claim of priority in the application. Additionally, Applicants have updated the specification as requested by the Examiner to correct minor errors.

The drawing sheet following page 16 of this paper includes FIGS. 10-11 and replaces the original sheet including FIGS. 10-11. The drawing sheet includes typographical corrections to FIG. 11. More specifically, occurrences of "Descriptor" have been changed to "Descriptor", "Pr" have been changed to "Cr" and "Pb" have been changed to "Cb".

The Office Action rejects Claims 1-17 under 35 U.S.C. section 112, second paragraph, as being indefinite. Applicants have amended Claims 1, 3-9, 11-13 and 16-17 to particularly point out and distinctly the subject matter which Applicants regard as their invention. Consequently, Applicants respectfully submit that amended Claims 1, 3-9, 11-13 and 16-17,

and Claims 2, 10 and 14-15 which depend therefrom are allowable. Further, Applicants submit the amendments to the claims are not intended to narrow the scope of the claims.

The Office Action rejects Claims 1-17 under the judicially created doctrine of obviousness-type double patenting over Claims 1-107 of U.S. Patent No. 6,760,772 and Claims 1-107 of U.S. Patent Application No. 10/236,657. Regarding the prosecution history of U.S. Patent Application No. 10/236,657, Applicants agree with the Examiner that the Amendment filed on September 15, 2004 is erroneous because the Amendment is related to U.S. Patent Application No. 10/263,657 not 10/236,657. Applicants agree to file terminal disclaimers, if necessary, to obviate the double patenting rejections over U.S. Patent No. 6,760,772 and U.S. Patent Application No. 10/236,657, respectively, when the claims are allowed.

Further, the Office Action rejects Claims 1-17 under 35 U.S.C. section 102(e) as being anticipated by U.S. Patent No. 6,243,596 (Kikinis). However, the Office Action's rejection of Claim 17 on page 5, lines 9-10 of the Office Action is unclear. Therefore, Applicants respectfully request clarification or withdrawal of the rejection of Claim 17.

Claim 1 recites "An apparatus for transferring digital data at a high rate between a host device and a client device over a communication path for presentation to a user". (Emphasis added). Claim 17 includes a similar feature. To reject Claim 1, the Office Action states "Internet per Abstract contain DSL". (Office Action, page 4, line 21) However, the Abstract nor any other portion of Kikinis refers to DSL. Applicants respectfully submit that Kikinis does not disclose or teach an apparatus for

transferring digital data at a high rate between a host device and a client device over a communication path for presentation to a user. Consequently, Applicants respectfully submit that Claims 1 and 17, and Claims 2-16, which depend therefrom, are allowable.

Further, Claim 1 also recites a "means for generating one or more of a plurality of pre-defined packet structures and linking them together to form a pre-defined communication protocol". (Emphasis added). Claim 17 includes a similar feature. Such feature is described, for example, in paragraphs [0097], [0126], [0132] and [0138] and FIGS. 6 and 7 of the application. Kikinis does not appear to disclose or suggest the "means for generating one or more of a plurality of pre-defined packet structures and linking them together to form a pre-defined communication protocol" of Claim 1. Consequently, Applicants respectfully submit that Claims 1 and 17, and Claims 2-16, which depend therefrom, are allowable.

For the above reasons, Applicants respectfully submit that independent Claims 1 and 17, and Claims 2-16, which depend therefrom, are patentable over the cited reference. Passage to issue is respectfully solicited.

Applicants do not believe any fees are due regarding this amendment. If any extension of time fees or any other fees are required, however, please charge Deposit Account No. 17-0026. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard A. Bachand".

Richard A. Bachand, Esq.
Registration No. 25,107
QUALCOMM Inc.

Dated:

Jan 31, 2007
San Diego, California